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October 10, 2014

VIA CERTIFIED MAIL - RETURN RECEIPT
REQUESTED NO. 7014-1200-0001-1005-5751
AND E-MAIL: r2foia@epa.gov

Regional Freedom of Information Officer
U.S. Environmental Protection Agency
Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Re: Freedom of Information Act Request

Dear Officer:

On September 25, 2014, our client Station Managers of Puerto Rico, Inc. (owner of the Former Shell Guayanilla Fuel Terminal, "SMPRI") received a letter from Mr. Jose C. Font, Director of the U.S. Environmental Protection Agency, Caribbean Environmental Protection Division ("EPA-CEPD"), whereby EPA-CEPD indicates that pursuant to its review of certain *historical documents and reports and an external hydrogeological review commissioned by EPA-CEPD*, the agency has determined that it cannot rule out SMPRI as a potential responsible party for the light non-aqueous phase liquid ("LNAPL" or groundwater contamination) found beneath the Former Shell Guayanilla Fuel Terminal (the "Facility").¹ Further, in the same letter, EPA-CEPD recommends SMPRI to submit a Corrective Measures Study or Remedial Action Plan to address the groundwater contamination – either on a voluntary basis or under a Consent Order.

On the same date and in order to expedite the process for SMPRI to adequately and responsibly address and respond to the issues raised in the letter, Mr. Deny Gomez (internal consultant for SMPRI) requested via e-mail to Eduardo González, P.E., (EPA-CEPD) to allow access to the files and reports used by EPA-CEPD in basing its conclusions and requests in the letter, mentioned above. Later, on October 1, 2014, on behalf of SMPRI, the undersigned also requested via e-mail to Ms. Carolina Jordán-García, Esq., internal legal counsel of EPA-CEPD a copy of the same documents.

¹ See attached letter.

Regional Freedom of Information Officer
Re: Freedom of Information Act Request
October 10, 2014
Page 2

In particular, the undersigned requested to obtain a copy of the following documents – as referenced in the first paragraph of the letter:

- (i) Commonwealth Oil Refining Company (“CORCO”) historical documents and reports reviewed.
- (ii) External hydrogeological review commissioned by USEPA.
- (iii) CORCO RFI Work Plan.

As of to date, SMPRI has not received a response from USEPA-CEPD to the two informal requests described above. Consequently, we are hereby now formally restating such requests pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, as amended by the OPEN Government Act of 2007, Pub. L. No. 110-175, and 40 C.F.R. Part 2. We understand that pursuant to 40 C.F.R. Section 2.104, SMPRI ought to receive a copy of the documents being requested within twenty (20) days of receipt of this request. See, also, *NLRB v. Sears, Roebuck, & Co.*, 421 U.S. 132 (1975).

Kindly let us know if there are any fees applicable to obtaining a copy of the documents being requested – so we can coordinate its prompt payment.

Thank you in advance for your assistance with this matter. We look forward to hearing from you.

Respectfully,



Jerry Lucas Marrero

Enclosures

C: Mr. Jose C. Font, EPA-CEPD
Mr. Eduardo R. González, EPA-CEPD
Héctor L. Vélez-Cruz, Esq., EPA-CEPD
Carolina Jordán-García, Esq., EPA-CEPD
Mr. Scott David
Mr. Deny Gomez
Pierre Espejo, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
City View Plaza II – Suite 7000
#48 PR-165 km 1.2
Guaynabo, PR 00968-8069

SEP 08 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Deny Gómez, Principle Program Manager
Soil & Groundwater FDG
Station Managers of Puerto Rico, Inc. (a.k.a., "Shell")
P.O. Box 194384
San Juan, Puerto Rico 00919-4384

**RE: Review of the February 2014 Guayanilla Site Investigation Summary Report
Shell Guayanilla Former Fuel Terminal (Shell), Guayanilla, Puerto Rico
EPA ID No. PRR000005652**

Dear Mr. Gómez,

The U.S. Environmental Protection Agency (EPA) has reviewed the Guayanilla Site Investigation Summary Report (hereinafter Guayanilla Site Report) for the Shell Guayanilla Former Fuel Terminal (Shell) dated February 2014. In addition to the Guayanilla Site Report, our review also included historical documents and reports from both Shell and the Commonwealth Oil Refining Corporation (CORCO) and external hydrogeological review commissioned by EPA. Our findings include:

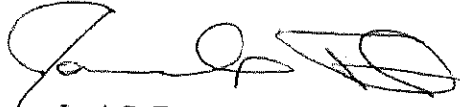
- EPA recognizes that a portion of the LNAPL coming from CORCO has entered the Shell property;
- Historical (Soiltech 1992) and current (Guayanilla Site Report) data indicate presence of hydrocarbons in soil within the Shell property. These detections cannot be attributed exclusively to the presence of the LNAPL due to the fact that they occur mostly within the proximity of Tanks 2, 7, 8 and 9;
- Historical documents (e.g. Soiltech 1992; CORCO RFI Workplan) stated a nucleus of LNAPL centered at the Shell property in the proximity of Tanks 2, 7, 8 and 9. Based on LNAPL behavior, this is consistent with a source located within the Shell property; and,
- It is very unlikely that CORCO's product removal system has altered local groundwater flow. This is because CORCO's removal system is of the skimming type, where only LNAPL is recovered rather than groundwater.

Based on our findings and information available, we cannot rule out Shell as a Potential Responsible Party (PRP) that has contributed to groundwater contamination. Furthermore, EPA is recommending that Shell submits for EPA review and approval a Corrective Measures Study or

Shell Guayanilla Former Fuel Terminal
EPA's Reponse Letter
Guayanilla Site Investigation Summary Report
EPA ID No. PRR000005652

Remedial Action Plan to address groundwater contamination at the Shell Site. Shell has the option of doing this through a facility-lead voluntary cleanup agreement with EPA or through a Consent Order. If you have any questions regarding this matter, please contact Eduardo González, P.E. or Dr. David Cuevas at (787) 977-5839/(787) 977-5856 or through electronic mail at gonzalez.eduardo@epa.gov or cuevas.david@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'José C. Font', with a stylized flourish at the end.

José C. Font,
Director
Caribbean Environmental Protection Division

cc: Lorna Rodríguez, Acting Chief
EQB Land Pollution Control Program